

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

W.A.No.1106 of 2017
and
CMP.No.15386 of 2017

E.Thaninayagam ... Appellant/Petitioner

vs.

1.Chief Security Commissioner,
Railway Protection Force (RPF)
6th Floor, Moore Market Complex,
Chennai - 600 003.

2.Senior Divisional Security Commissioner,
Railway Protection Force,
5th Floor, NGO Annexe Building,
GM Southern Railway Office Complex,
Park Town, Chennai - 600 003. ... Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 19.07.2017 passed by this Hon'ble Court in W.P.No.12886 of 2015 praying to issue a Writ of Certiorari calling for the records of the first respondent bearing Ref. No M/XP535/IPF/2015 dated 30.03.2015(Ex'A') transforming the petitioners from Avadi(AVD) and Arakonam (AC/LCO/AJJ) and the relieving orders of the Second Respondent dated 18.04.2015(Ex 'B') and 22.04.2015(Ex'C') and quash the same.

For Appellant : Mr.N.G.R.Prasad, SC for
M/s.Row and Reddy
For R1 & R2 : Mr.P.T.Ramkumar

JUDGMENT

(Order of the Court was made by RMT. TEEKAA RAMAN,J.)

Challenging the correctness of the order of a learned Single Judge passed in W.P.No.12886 of 2015, the unsuccessful writ petitioner has preferred the present writ appeal.

2.For the sake of convenience, the parties are referred to as per their rank in the writ petition.

3.The petitioner has filed the writ petition challenging the order, transferring him from Avadi to Arakonam on the ground that he is an office bearer of All India Railway Protection Force Association (hereinafter referred to as AIRPFA), Chennai Division, which has been recognized by the Railways and therefore, the procedure prescribed for the transfer of office bearers has not been followed by the respondents.

4.Per contra, learned standing counsel for the respondents/Railways submitted that the petitioner is not an elected constitutional office bearer and he is only a working President in Avadi Station and hence, the guidelines issued by the Ministry of Railways vide circular dated 10.07.2009 in respect of transfer of office bearers of AIRPFA, are not applicable to the case of the petitioner.

5.Heard the learned counsel on either side and perused the materials on record, including the transfer order passed by the respondents as well as the impugned order passed by the learned Single Judge.

6.The learned Single Judge, in para 5 of the order impugned herein, observed as follows:

"The learned counsel appearing for the respondents opposed the arguments by stating that the writ petitioner is not an elected constitutional Office Bearer and, he is only a working President in Avadi Station. Therefore, he is not entitled to avail the protection granted in the order dated 10.7.2009. The learned counsel further submitted that order of the Ministry of Railways, in proceedings No.2014/Sec(E)/TR-3/62 dated 14.12.2015, issued subsequently reads as under:-

"Sub: Posting and retention of RPF staff and Officers of RPF Association.

It has been observed that some of the RPF staff and office bearers of RPF Association, have still been retained beyond their prescribed tenure, at their present place of posting in violation of the instructions issued vide Board's letters, No.99/Sec(Spl)/RPF Assn/pt dated 17.6.2003, No.2003/Sec(Spl)/RPF Assn/Pol dated 8.9.2003, No.2005/Sec(E)/MT-1(PT) dated 4.1.2006 and No.2009/Sec(Spl)/RPF Assoc/Policy dated 10.7.2009.

As per the Board's policy, Railways may

kindly process all cases of such RPF staff and office bearers of RPF Association immediately, for transfer to some other places, who are retained at same place of posting, even after completion of their tenure.

As directed, a compliance report be sent to this office at the earliest."

7.It is further observed in the order impugned herein that in view of the further orders of the Ministry of Railways dated 14.12.2015, the petitioner was transferred, since he is continuing in that same station at Avadi for more than 5 years and the personnel working in Railway Protection Force cannot be kept in one place for a long tenure of more than 3 years.

8.We are of the considered view that the learned Single Judge, after considering the facts and circumstances of the case and also taking note of the relevant rules framed by the respondents with regard to transfer policy, has come to the correct conclusion that the order of transfer was in order and there was no infirmity or violation in respect of the guidelines framed therefor.

9.Even otherwise, we do not find any merit in this appeal, in view of the fact that the distance between the present station and the transferred station i.e., from Avadi to Arakonam is only 30 km.

10.In such view of the matter, we are of the considered opinion that there is no ground made out by the petitioner to interfere with the order impugned herein.

11.Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.Chief Security Commissioner,
Railway Protection Force (RPF)
6th Floor, Moore Market Complex,
Chennai - 600 003.

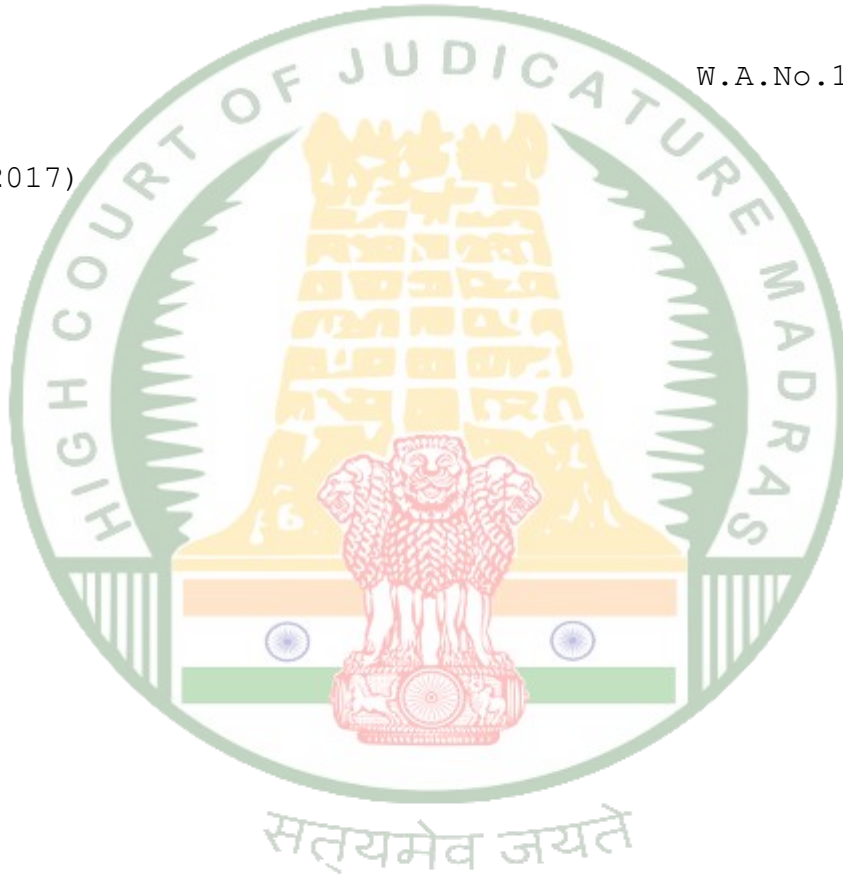
2. Senior Divisional Security Commissioner,
Railway Protection Force,
5th Floor, NGO Annexe Building,
GM Southern Railway Office Complex,
Park Town, Chennai - 600 003.

+1 CC to Ms. Row and Reddy, Sr 75167.

+1 Cc to Mr.P.T. Ramkumar, sr 75133.

W.A.No.1106 of 2017

GJII(CO)
SP(05/12/2017)



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